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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/511,091 | 10/14/2004 | Ryutaro Hashi | L9289.04161 | 6147 |

24257 7590 06/08/2009

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| EXAMINER | |
|---|---|
| RIYAMI, ABDULLA A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2416 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/08/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/511,091 | HASHI ET AL. | |
| | Examiner | Art Unit | |
| | ABDULLAH RIYAMI | 2416 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *8-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/09/2009 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8, 10-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Blakeney et al. (US 2006/0239363 A1).

As per claim 8, Blakeney discloses a communication apparatus that transmits a plurality of items of information data each containing a predetermined amount of information to one receiving side communication apparatus (see figure 2, base station 10 and mobile station 30), the communication apparatus comprising:

a transmitting section (see figure 2, mobile station 30) that, after having received a response to a link establishment request from the one receiving side communication apparatus (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested, see paragraph 64, lines 1-10, base station receives and determines whether to accept, see paragraph 66, lines 1-20, mobile station determines whether the request was accepted), transmits information data matching the link establishment request using a link established by the link establishment request (see paragraph 64, lines 1-10, base station receives and determines whether to accept, see paragraph 66, lines 1-20, mobile station determines whether the request was accepted); and

a requesting section (see figure 2, mobile station 30) that establishes a link every transmission of information data by transmitting a link establishment request to the one receiving side communication apparatus every time information data is transmitted (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested, see paragraph 64, lines 1-10, base station receives and determines whether to accept, see paragraph 66, lines 1-20, mobile station determines whether the request was accepted),

and transmits a link establishment request for transmission of next information data before termination of a link for transmitting current information data (see paragraph 16, lines 1-15, first communication device requests a change of service configuration without terminating the current traffic channel connection).

As per claim 10, Blakeney discloses disclose the transmitting section multiplexing the current information data and the link establishment request for the transmission of the next information data (see figure 2, mux 48, data from service negotiator vocoder, mode, fax).

As per claim 11, Blakeney discloses the transmitting section multiplexes the link establishment data and the information data by using at least one of frequency division multiplexing, time division multiplexing, and code division multiplexing (see paragraph 5, lines 1-5, code division multiple access).

As per claim 14, Blakeney discloses communication method for transmitting a plurality of items of information data each containing a predetermined amount of information from a transmitting side communication apparatus to one receiving side communication apparatus (see figure 2, base station 10 and mobile station 30), the communication method comprising the steps of:

in the transmitting side communication apparatus (see figure 2, mobile station 30), transmitting a first link establishment request for transmission of current information data to the one receiving side communication apparatus (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested);

in the transmitting side communication apparatus (see figure 2, mobile station 30), after having received a response to the first link establishment request from the one receiving side communication apparatus (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested, see paragraph 64, lines 1-10, base station receives and determines whether to accept, see paragraph 66, lines 1-20, mobile station determines whether the request was accepted), transmitting the current information data to the one receiving side communication apparatus using a link established by the first link establishment request (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested, see paragraph 64, lines 1-10, base station receives and determines whether to accept, see paragraph 66, lines 1-20, mobile station determines whether the request was accepted);

and transmitting a second link establishment request for transmission of next information data before termination of a link for transmitting the current information data (see paragraph 16, lines 1-15, first communication device requests a change of service configuration without terminating the current traffic channel connection).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney et al. (US 2006/0239363 A1) in view of Bakshi (US 6457054 B1).

As per claim 9, Blakeney discloses a communication method for transmitting requests (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

Blakeney does not expressly disclose the requesting section transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted.

Bakshi discloses the requesting section (see figure 4, client) transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted (see column 5, lines 10-31, 2nd data request, 3rd data request transmitted immediately after the other in a pipelining manner and figure 4, data2 and data 3).

Blakeney and Bakshi are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Bakshi's requesting section (see figure 4, client) transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted (see column 5, lines 10-31, 2nd data request, 3rd data request transmitted immediately after the other in a pipelining manner and figure 4, data2 and data 3) in Blakeney transmitting request section (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

The motivation to combine would have been to have a method of sending additional requests in rapid succession to reduce latencies (see column 5, lines 25-30, Bakshi).

9. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeney et al. (US 2006/0239363 A1) in view of Melick et al. (US 6457054 B1).

As per claim 12, Blakeney discloses a communication method for transmitting requests (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

Blakeney does not expressly disclose the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception.

Melick discloses the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception (see column 9, lines 37-38, full-duplex signaling).

Blakeney and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception (see column 9, lines 37-38, full-duplex signaling) in Blakeney transmitting request section (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

As per claim 13, Blakeney discloses a communication method for transmitting requests (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

Blakeney does not expressly disclose the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access.

Melick discloses the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access (see column 9, lines 37-38, full-duplex signaling).

Blakeney and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access (see column 9, lines 37-38, full-duplex signaling) in Blakeney transmitting request section (see paragraph 63, lines 1-10 mobile station provides an origination message indicative of a service configuration requested).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH RIYAMI whose telephone number is (571)270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

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Examiner, Art Unit 2416